

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 18 MARCH 2021

PRESENT: Mayor J Stafford (Chairperson), Cr P Culhane, Cr J Searl, Cr D O'Brien, Cr P Kensit, Cr J Wheelwright, Cr B McCormack, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Mr V Straw (Manager of Environment & Planning), Mr G Lacey (Director of Infrastructure), Mr T Baldwin (Manager of Water, Sewer & Waste) and Miss K Dewar (Executive Assistant) and Mr C Gordon (Media Officer)

THE MAYOR DECLARED THE MEETING OPEN AT 09:00am

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Stafford advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr Culhane
24/21

That the minutes of the Ordinary Council Meeting held on 18 February 2021 be adopted.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

25/21 **RESOLVED** by Cr Stafford and Cr Searl

That Council receive and note the activities attended by the Mayor for February 2021 and March 2021.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF MARCH 2021

26/21 **RESOLVED** by Cr Searl and Cr McCormack

That Item 8.1 - [Minutes of Committee/Correspondence/Information] listed below be received:

1. Southern Tablelands Arts – Benefits for Upper Lachlan Shire Council and Community.
2. Office of Local Government – NSW Government Key dates and publications – 4 September 2021 Council Elections.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF FEBRUARY 2021

27/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 10.2-10.7 INFORMATION ONLY ITEMS

28/21 **RESOLVED** by Cr Searl and Cr Wheelwright

1. Council receives and notes reports 10.2-10.7 as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

At 9:21am Manager of Water, Sewer and Waste joined the meeting.

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE

29/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receive the report and note the information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 DEBT RECOVERY POLICY REVIEW

30/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Debt Recovery Policy

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Debt Recovery Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	25 August 2005
Resolution Number:	231/05
Other Review Dates:	16 July 2009, 15 September 2011, 18 September 2014 and 19 November 2015
Resolution Number:	286/09, 359/11, 286/14 and 342/15
Current Policy adopted by Council:	18 March 2021
Resolution Number:	30/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVES

1. Ensure effective control over debts owed to Council;
2. **Council staff to** be sympathetic and helpful to those ratepayers and other debtors suffering genuine financial hardship;
3. Fulfil the statutory requirements of the *Local Government Act 1993* and associated Local Government Regulations with respect to the recovery of rates and charges, user-pay charges and other debts;
4. To maximise collections of outstanding debts and to optimise Council's cash flow;
and
5. Provide clear and concise debt recovery processes and procedures for Council staff to adhere to and implement.

POLICY STATEMENT

In managing Council's significant cash inflow, it is essential that an effective, equitable and fair debt recovery management policy exist to recover Rates and Charges, Water Usage accounts, **user charges and fees revenue and all other private works and accounts receivable.**

1. Debt Recovery in respect to Rates and Annual Charges and user fees and charges

- 1.1 Recovery action shall be instigated if current rates and charges are not paid by the due date unless arrangements have been made for payment by instalments either pursuant to Section 562, of the *Local Government Act 1993* or by mutual agreement with Council's Revenue Section.
- 1.2 If a quarterly rates and charges instalment remains unpaid 14 days after the due date for payment, Council will issue an Overdue Instalment Reminder Notice requesting payment within 14 days or to contact Council to make suitable arrangements to pay the overdue rates and charges. The Overdue Instalment Reminder Notice will include the total outstanding rates and charges debt, notification that interest may accrue at the adopted rate, and Council contact details for further information.
- 1.3 Recovery action shall commence where there is no suitable response and/or payment agreement entered into with Council in relation to the outstanding rates and charges within 14 days from the issue of the Overdue Instalment Reminder Notice. Recovery action by Council and/or the debt recovery agent may include but will not be limited to:-

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- **Email contact**
- Telephone calls
- Letters of demand
- Statement of Liquidated Claim
- Default Judgement
- Writ of Execution
- Garnishee Orders
- Section 569 Notices
- Warrant of Apprehension
- Notices to wind up a company

Where appropriate, letters of demand and other correspondence will include a statement advising the ratepayer that legal costs will be added to the outstanding account.

- 1.4 Legal action shall only commence for amounts greater than \$400. Council will pursue all other avenues of recovery of outstanding accounts i.e. payment agreements and Centrepay agreements, before proceeding to formal legal action through the courts.
- 1.5 Due to the high cost of court charges imposed by the NSW Department of Justice and to limit the burden of additional debt recovery costs on ratepayers the outstanding rates and charges must exceed \$750 before proceeding to a Statement of Liquidated Claim.
- 1.6 Ratepayers who are having difficulty in paying rates and charges by the due date may voluntarily enter into a mutual payment agreement with Council and/or Council's debt recovery agent to pay off the rates and charges account. Preferably the agreement should be in writing on the *Arrangement for the regular payment of Rates and Charges* form included in Council's Rates and Charges Hardship Assistance Policy. Where this is not practical, arrangements may also be made by letter, email or by phone but will only be considered valid if recorded on Council's rating system by an authorised Council Revenue Officer.
- 1.7 Ratepayers who are experiencing genuine hardship in paying rates and charges may apply for assistance under Council's Rates and Charges Hardship Assistance Policy by completing and signing the *Application for Hardship Rate Relief* form.
- 1.8 Where Council is aware the ratepayer is receiving Commonwealth benefit payments the ratepayer should be advised to consider a Centrepay payment plan. Any Centrepay plan must meet the standard debt recovery agreement conditions and timeframes.

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- 1.9 Any payment agreement entered into with a ratepayer for the outstanding rates and charges other than pursuant to Section 562, of the *Local Government Act 1993*, shall endeavour to ensure that all rates and charges outstanding are fully paid by 30 June of the rating year in which the agreement is entered into. An agreement for payment of outstanding rates shall not extend beyond two years, unless in exceptional circumstances, which will be assessed and may be authorised by the General Manager.
- 1.10 Where a ratepayer who has made arrangements to pay rates and charges by mutual agreement fails to meet their full obligations under the agreement, the agreement will be terminated and legal action shall be immediately instituted for the recovery of any outstanding rates and charges without further correspondence from Council to the ratepayer.
- 1.11 Where a supplementary rates and charges notice is issued that involves more than the current year's levy, then the ratepayer shall be asked to make payments on a quarterly basis, providing all payments of amounts due is made by 30 June of that financial year.
- 1.12 An arrears of rates and charges report is to be provided to Council in a Closed Committee Meeting, **annually at end of the financial year**, for accounts greater than \$2,000. The report is also to contain details of the action which has been taken by Council to recover those debts.
- 1.13 Any property with rates and charges outstanding which are proposed to be sold for recovery of the outstanding debt will be reported to Council, **in accordance with Section 713, of the *Local Government Act 1993***.
- 1.14 The General Manager is authorised to write-off unrecoverable and/or uneconomical to recover rates and charges, and property debts; i.e. legal expenses, up to and including \$1,000. Requests for waiver of amounts greater than \$1,000 is to be submitted for Council's consideration.
- 1.15 Interest will be charged in accordance with Section 566, of the *Local Government Act 1993*, calculated daily by applying the maximum rate specified by the Minister for Local Government, on a yearly basis.
- 1.16 Interest charges on a property which have been incorrectly charged by Council will be written-off by the authorisation of the General Manager under delegated authority.
- 1.17 Debt recovery processes not relating to rates and charges or water usage billing; i.e. private works, kerb and guttering, and other sundry debtors, will also be in

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accordance with this policy. Debt recovery will be implemented on accounts **greater than** 30 days overdue for payment.

2. Definitions

- **Letters of Demand:** Demand letter from Council's debt recovery agent.
- **Statement of Liquidated Claim:** Is a legal document which outlines to the ratepayer:
 - That a claim has been made to the Court for the recovery of monies;
 - Who has initiated the claim and whom the claim is against;
 - The monetary value of the claim; and
 - Time period available to relinquish the debt.
- **Judgement:** In cases where the debtor does not respond to a Statement of Liquidated Claim issued to them, the Court may make a default Judgment whereby it will award a decision without having the matter heard.
- **Writ of Execution:** Documentation served by a Court Sheriff on a ratepayer. This document allows a court to seize goods and sell the goods. The proceeds are then distributed to the ratepayer less part or full payment of the debt to Council.
- **Sale of Land:** In accordance with Section 713, of the *Local Government Act 1993*, Council has the authority to sell land for unpaid rates and charges.
- **Rent for Rates / Garnishee Order:** Section 569, of the *Local Government Act 1993*, allows Councils to order tenants of properties with overdue rates and charges to pay rent to Council in lieu of unpaid rates, under specific circumstances. A Garnishee Order may be made on a property owner on their salary, wages, bank account, mortgage or money held under contract.

3. Debt Recovery in respect to Water Usage accounts

- 3.1 Water Usage accounts are issued bi-annually to enable revenue to be raised in order to fund the operation of the water supply network.
- 3.2 If a water usage account remains unpaid 14 days after the due date for payment, Council will issue an Overdue Reminder Notice requesting payment within 14 days or to contact Council to make suitable arrangements to pay the water usage account. The Overdue Reminder Notice will include the total outstanding water usage debt, notification that interest may accrue at the adopted rate, and Council contact details for further information.
- 3.3 Where the account remains unpaid or a suitable arrangement to pay the account is not made, a Final Notice shall be sent advising that failure to pay the account within a further 14 days will result in Council installing a water flow restriction device on the property's water meter and the fee for the restriction device to be removed, **will be published annually in Council Fees and Charges**, in addition to the outstanding water debt.

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- 3.4 Where the account remains unpaid or a suitable arrangement to pay the account is not made, a Notice of Intention to Restrict Water Supply letter is to be sent. The letter advises that Council will install a water flow restriction device after 7 days if payment is not made and/or suitable payment arrangements entered into and advise the fee for the restriction device to be removed will be in addition to the outstanding water debt.
- 3.5 The water flow-restricting device shall only be inserted for overdue amounts greater than \$500 where all other recovery avenues have been exhausted, excluding court action. Council will continue to pursue all other avenues of recovery of outstanding water usage accounts.
- 3.6 A notice of Council's intention to install a water flow restricting device will be served on the occupant of the property and letter of advice will be sent to the property owner.
- 3.7 Water flow restricting device to be inserted following 7 days expiration of issue of such a notice.
- 3.8 Outstanding water usage accounts will be recovered in any abovementioned legal process instigated for the recovery of the rates and charges and any other property related debts. Due to the court charges imposed, the outstanding water usage accounts must exceed \$750 before a Statement of Liquidated Claim is taken out.
- 3.9 The General Manager is authorised to write-off unrecoverable and/or uneconomical to recover water usage user pays accounts under delegated authority.

RELEVANT LEGISLATION AND COUNCIL POLICIES

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulation 2005;
- Independent Commission against Corruption Act (ICAC) 1988;
- Anti Discrimination Act 1977;
- State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Office of Local Government Rating and Revenue Raising Manual;
- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Council's Code of Meeting Practice;
- Council's Code of Conduct;

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- Council's Rates and Charges Hardship Assistance Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Complaints Management Policy;
- Council's Rebate for Undetected Water Leaks Policy;
- Council's Delegation of Authority Policy; and
- Council's instrument of delegations from the General Manager to Council staff.

VARIATION

Council reserves the right to vary the terms and conditions in this policy.

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ITEM 13.2 RATES AND CHARGES HARDSHIP ASSISTANCE POLICY REVIEW

31/21 RESOLVED by Cr Searl and Cr Kensit

1. Council adopts the reviewed Rates and Charges Hardship Assistance Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

INSERT POLICY

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POLICY:-	
Policy Title:	Rates and Charges Hardship Assistance Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	22 September 2005
Resolution Number:	277/05
Other Review Dates:	20 August 2009, 15 September 2011, 18 September 2014 and 19 October 2017
Resolution Number:	331/09, 360/11, 287/14 and 345/17
Current Policy adopted by Council:	19 October 2017
Resolution Number:	31/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVES

1. To provide assistance to ratepayers and other debtors, experiencing genuine financial hardship, with the payment of their rates and annual charges;
2. Be sympathetic and empathetic to the welfare of ratepayers and residents of the Shire experiencing genuine financial hardship;
3. To assist in the protection of a ratepayer's place of residency;
4. To provide an administrative process to determine hardship applications; and
5. Fulfil the statutory requirements of the *Local Government Act 1993* with respect to hardship applications.

POLICY

Any ratepayer who cannot pay their rates or charges for reason of genuine financial hardship can apply to Council for assistance at any time. Each individual case will be considered on its merits.

The criteria used to determine eligibility is the following:-

- In the context of financial hardship, consideration will be given to personal and family circumstances including age, physical or mental disability, injury and illness of the resident ratepayer or family members living with him/her;
- The ratepayer is to provide reasons and reasonable proof of financial hardship;
- The ratepayer must own the property and also occupy the property as their principal place of residence;
- The ratepayer will suffer financial hardship if required to pay rates and charges when they fall due;
- The amount of rates levied compared to the average rate of the rate category;
- The amount of any rate increase when compared to the average rate increase for the rate category;
- The ratepayer is required to provide Council with details of their income and expenses from all sources, with supporting evidence as required by Council;
- Provide current bank account statements; and
- Provide estimated value of ownership of property, investments and all asset classes.

The assistance provided will be determined under the legal requirements of the *Local Government Act 1993*.

BACKGROUND

Council recognises that due to exceptional circumstances certain ratepayers do encounter difficulty in paying their rates and charges. The *Local Government Act 1993* allows Council to provide a range of measures to assist those ratepayers in cases of genuine financial hardship.

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HARDSHIP PROVISIONS

The *Local Government Act 1993* provides Council with two options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. A summary of the options is as follows:-

Section 601, of the Local Government Act 1993

Any ratepayer who incurs a rate increase in the first year following a revaluation of land can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

Council has the discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable.

Council set the period of time for when ratepayer applications can be made under this Section be limited to within three months of receipt of the their first instalment notice.

Sections 564 and 567, of the Local Government Act 1993

Council can enter into payment agreements with ratepayers, who cannot meet their instalment payments and may write off interest charges.

POLICY TERMS OF REFERENCE

- Council requires a signed written application for the purpose of applying for financial hardship assistance.
- Council senior management shall interview the applicant.
- The financial hardship application and senior management recommendation will be referred to the General Manager who is delegated the authority to make the determination.
- The ratepayer will be informed of the General Manager's decision and advised that if they are not satisfied with the outcome they may request their application be tabled to Council for reconsideration.
- After the Council reconsiders the application and makes a decision the ratepayer has no further right to appeal.
- A ratepayer can enter into payment agreements with delegated officers of Council under Sections 564 and 567, of the *Local Government Act 1993*.

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- In cases where severe financial hardship is established Council may waive interest charges for a period of time.

Once Council determination is made of rate relief following assessment of the above information, the maximum assistance to be granted to the ratepayer is to be a repayments scheme over a three-year period with no interest charges applied.

CONFIDENTIALITY OF APPLICATION

Council shall ensure that all data collected in the application for hardship relief process will be dealt with by way of the Council's Privacy Management Plan. Council will at all times adhere to privacy and confidentiality laws and legislation.

RELATED LEGISLATION AND COUNCIL POLICY

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Office of Local Government Rating and Revenue Raising Manual;
- Local Government Shires Association Guidelines for a Council Rates Hardship Policy 2011;
- Independent Commission against Corruption Act (ICAC) 1988;
- Anti Discrimination Act 1977;
- State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Council's Debt Recovery Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Code of Business Practice;
- Council's Complaints Management Policy;
- Council's Privacy Management Plan;
- Council's Code of Conduct;
- Council's Delegations of Authority Policy; and
- Council's instrument of delegations from the General Manager to Council staff.

VARIATION

Council reserves the right to vary the terms and conditions of this policy.

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APPLICATION FOR HARDSHIP RATE RELIEF

Please answer all questions relevant to you using block letters and ticking appropriate boxes

COUNCIL RATES:
RATE ASSESSMENT NUMBER: **REFERENCE NUMBER:**

I

.....

(full name in block letters)

of:

.....

(current address)

Telephone No: () apply for hardship rate relief

For the purposes of this application, I state the following information which I believe to be correct.

PERSONAL DETAILS

D.O.B:

Are you: Single Married De Facto

Postal Address:

.....
..

Telephone Number: () **Email Address**

Time at above address:

.....

Do you propose to change residence? Yes No

EMPLOYMENT DETAILS

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Employers Name:

.....
..

Address:

.....
...

Telephone No: ()

Job Title:

.....
..

SPOUSE DETAILS

Partner's Full Name:

.....

of

.....
.....

Partner's Employment:

.....
(Name and Address Details)

DEPENDANTS

Number of dependants: Age/s:

.....

PENSION/BENEFIT DETAILS

Do you receive any pensions or benefits? Yes No

If **YES**, state the pension or benefit and how much received per week:

..... \$
.....

..... \$
.....

..... \$
.....

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INCOME

State gross weekly amount received in dollars and cents

	Self	Spouse
--	-------------	---------------

Net wage	\$.....	\$.....
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How much do you receive in pensions and benefits?	\$.....	\$.....
---	---------	---------

How much do you receive in compensation, superannuation, insurance or retirement benefits?	\$.....	\$.....
--	---------	---------

State income derived from any other member of the family or other person residing at the property?	\$.....	\$.....
--	---------	---------

Other sources of your income (i.e. full/casual/ part-time employment etc):	\$.....	\$.....
--	---------	---------

Family allowance:	\$.....	\$.....
-------------------	---------	---------

State name and current balance of any bank, building society, credit union, savings accounts, etc:

.....	\$.....	\$.....
-------	---------	---------

.....	\$.....	\$.....
-------	---------	---------

.....	\$.....	\$.....
-------	---------	---------

(Please attach evidence of account balances)

Interest from banks, credit unions, building societies, investments, etc.:	\$.....	\$.....
--	---------	---------

ASSETS

Please indicate:

Asset	Age	\$ Value	\$ Loan Amount
Your Property	\$.....	\$.....
Car	\$.....	\$.....
Caravan	\$.....	\$.....
Boat	\$.....	\$.....

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.....	\$
Council rates and charges (amount now due):	
.....	\$
Home insurance:	
.....	\$
Do you have leased business premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No

OUTGOING EXPENSES continued

Financial summary of regular expenses:

Rates-Council/Water	\$	Strata Levies	\$
.....			
Gas/Electricity	\$	Telephone	\$
.....			
Fares/Transport	\$	Petrol	\$
.....			
School Expenses	\$	Insurance contents	\$
.....			
Medical/Health	\$		

Living Expenses:

Clothing	\$	Personal	\$
Cash	\$	Entertainment	\$
Insurance/Other	\$	Car Maintenance	\$
.....			
Registration	\$	Food	\$
.....			

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Superannuation	\$	Subscriptions	\$
Credit Cards/Personal Loans:			
Credit Cards:		Personal Loans:	
Visa/MasterCard/Amex/Bankcard		Personal Loan/Car Loan	
With		With	
Card No:		Loan No:	
Balance on card: \$		Balance on loan: \$	

Other relevant information (to be completed if you feel it will assist your application)

.....

.....

(attach a separate page if insufficient space)

AUTHORITY FOR INFORMATION TO CONFIRM ELIGIBILITY

I authorise the Council to receive, and Centrelink and/or the Department of Veterans' Affairs to give to the Council, the information which is necessary for the Council to decide whether I am eligible for a hardship rate relief in relation to the property, which I have given as my address.

.....SignedDate

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PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998
Compliance with Section 10

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*. This information is required before your application for hardship rate relief can be processed.

The information in your application and any information the Council obtains for the purpose of assessing this application is private and confidential.

The Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, please contact the Council's Director of Finance and Administration.

The information contained or referred to in this application form may be amended and updated by you, by contacting the Council.

You should now submit this application form to the Council for consideration. The Council will advise you of its decision as soon as practicable.

Each individual case will be considered on its merits in accordance with Council's Rates and Charges Hardship Assistance Policy.

If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.

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APPLICATION IS / IS NOT APPROVED UNDER SECTION 601 of the Local Government Act 1993 (hardship resulting from valuation change).

Total average weekly income \$.....

Total Assets \$.....

Current Year's General Purpose Rating Category

Current Year's General Purpose Rates \$.....

Previous Year's General Purpose Rates \$.....

Increase in General Purpose Rates% \$.....

Average Annual General Purpose Rates
in the above category \$.....

Average Annual Increase in General
Purpose Rates in the above category% \$.....

APPLICATION IS / IS NOT APPROVED UNDER SECTION 564 of the Local Government Act 1993 (agreement for periodical payment of rates and charges).

Complete the attached "Arrangement for the regular payment of Rates & Charges" form.

APPLICATION IS / IS NOT APPROVED UNDER SECTION 567 of the Local Government Act 1993 (writing off accrued interest on rates & charges).

Is the writing off of interest charges conditional on regular payments of Rates and Charges?

Yes No

If Yes, complete the attached "Arrangement for the regular payment of Rates and Charges" form.

Interest free period to commence (Date)

Other arrangement

Interest free period to cease (Date)

Other arrangement

Applicant advised (Date)

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Arrangement for the regular payment of Rates and Charges
(In accordance with Section 564, of the Local Government Act 1993)

Assessment No:

Ratepayer/s:

Contact Address:

Telephone/**Mobile No.**
Email Address

Property Description: (Lot & DP)

Total Amount Owing
As At

Interest currently accruing at:

Agreed Payment Details

Frequency:

Amount:

Payments to commence:

I/We undertake to make the regular payments detailed above until such time as all Rates and Charges on the above mentioned assessment are paid in full, and acknowledge that failure to make the payments as agreed will result in forfeiture of this agreement and that Council may then initiate Legal Action for the recovery of outstanding Rates and Charges. Any relief from interest charges granted under the Hardship Rate Relief Provisions may be retrospectively withdrawn upon failure to comply with this agreement.

Ratepayer/s:Council Officer/Witness:

Date:

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ITEM 13.3 **FRAUD AND CORRUPTION PREVENTION POLICY REVIEW**
32/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council adopts the reviewed Fraud and Corruption Prevention Policy

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Fraud and Corruption Prevention Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	25 August 2005
Resolution Number:	245/05
Other Review Dates:	16 July 2009, 21 July 2011, 19 June 2014 and 20 July 2017
Resolution Number:	287/09, 260/11, 173/14 and 226/17
Current Policy adopted by Council:	18/ March 2021
Resolution Number:	32/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	Audit, Risk and Improvement Committee
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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Policy Statement

The Fraud and Corruption Prevention Policy is designed to protect public funds, assets, and to ensure the integrity, security and reputation of the Council and its staff whilst maintaining a high level of services to the community.

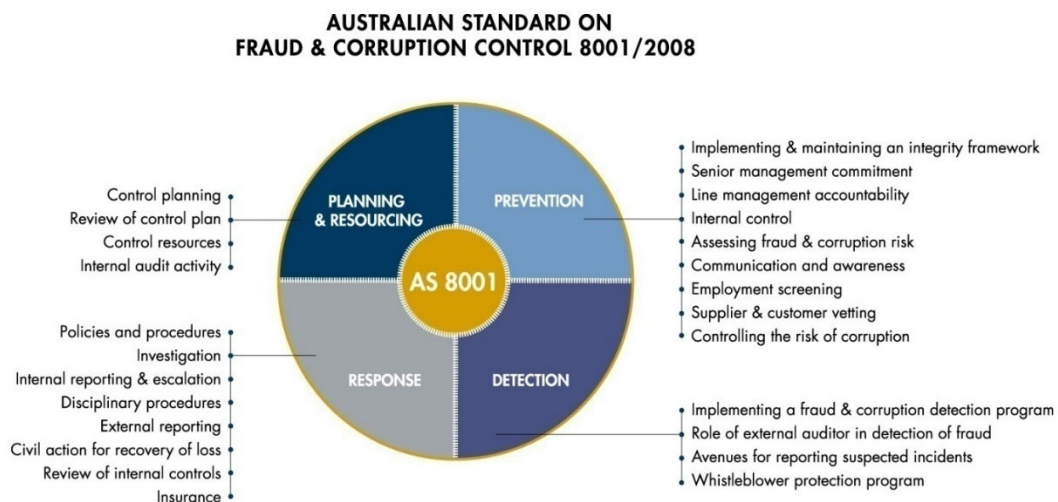
The elements of Council's policy include:-

1. Prevention of losses through fraud by the implementation of fraud prevention procedures;
2. A commitment to a policy of detection, investigation and prosecution of individual cases of fraud; and
3. Fraud control and prevention is the responsibility of all Council officials.

Council is committed to preventing fraud at its origin. Council believes that an emphasis on prevention and detection is the best way to deal with fraud. The underlying thrust of Council's policy on fraud prevention is to encourage the public and staff to understand that fraudulent acts against Council are unacceptable, may constitute a criminal offence and will be prosecuted.

Any effective fraud prevention strategy ensures that prompt action will be taken when fraud is detected, both to bring the fraud to an end and to discourage others who may be inclined to commit similar conduct.

Key components of successful fraud and corruption prevention include: *Planning and Resourcing, Prevention, Detection and Response*. A Fraud and Corruption Risk Assessment is an essential component of fraud prevention, however it is just one element of a holistic approach to fraud risk management as depicted in the diagram below:-



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The fraud and corruption risk assessment should be conducted on a regular basis to ensure it remains accurate and up to date. If there are significant changes to Council's business operations such as opening new operations then a separate fraud risk assessment shall be conducted.

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1. Purpose

1.1 Introduction

Council is committed to educating staff and Councillors in relation to fraud indicators and corruption prevention activities Council will endeavour to meet the legislative obligations under the *Local Government Act 1993*,

Risk exposure from fraud and corruption related activities can be significant and the effective management and monitoring of this type of risk is vital. Council needs to be assured that appropriate and transparent management strategies, including the implementation of relevant policies, are subjected to monitoring and regular review.

This Fraud and Corruption Prevention Policy provides an outline for the management of fraud and corruption related activities. It is consistent with and supported by Upper Lachlan Shire Council's Code of Conduct.

1.2 Corporate Vision and Values

The Tablelands Regional Councils "Vision Statement" is:-

"To build and maintain sustainable communities while retaining the regions natural beauty."

Upper Lachlan Shire Council will conduct its activities in accordance with the values of Sustainability, Integrity, Respect and Professionalism.

Councillors and staff are to act in accordance with Council's vision and values whilst undertaking Council related business. Upper Lachlan Shire Council's Code of Conduct for Councillors, Staff and Delegates further articulates its values as:-

"The values which underpin this Code of Conduct and which must be abided by are:-

- *Responsibility to the Council, its policies and decisions;*
- *Respect for members of the community and colleagues;*
- *Integrity of purpose and acting in the public interest;*
- *Open and transparent decision-making; and*
- *Responsive and efficient service."*

Council's vision and values set the framework for this Fraud and Corruption Prevention Policy.

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2. Application

This Policy applies to all Council Officials. Council Officials are defined to include Councillors, members of Council staff and delegates of Council. A delegate of Council is a person or body to whom a function of Council is delegated, such as staff, Councillors, community representatives, volunteers, consultants and contractors.

3. Definitions

3.1 What is fraud?

Fraud is defined in Australian Standard on Fraud and Corruption Control (AS 8001) as:-

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.”

For the purpose of this Policy, fraud is not restricted to tangible benefits only and includes intangibles such as information which may not be in documentary form.

3.2 What is corruption?

For the purpose of this Policy, corruption and corrupt conduct will have the same meanings as defined in the *ICAC Act 1988*.

Also, Corruption is defined in Australian Standard on Fraud and Corruption Control (AS 8001) as:-

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses the position of trust in order to achieve personal gain or advantage for him or herself or for another person or entity.”

In summary, corrupt conduct means any dishonest activity which could affect the honest or impartial exercise of official functions, or may be a breach of trust, or may involve the misuse of any Council information by any Council Official.

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3.3 *What are the Elements of controlling Fraud and Corruption Risks?*

The Australian Standard AS8001 classifies the elements of controlling fraud and corruption risks into three categories:-

Structural Elements: sound ethical culture, senior management commitment, periodic assessments of fraud and corruption risks, staff awareness, and fraud and corruption control planning.

Operational Elements: internal controls, fraud detection programs, mechanisms for reporting suspicions of fraud and corruption, dealing with detected or suspected fraud or corruption, management accountability for the control of fraud and corruption risk, internal audit controls, protection of whistleblowers, allocation of resources to control fraud and corruption risks, insurance and pre-employment screening.

Maintenance Elements: review of the effectiveness of the fraud and corruption control strategies, ongoing monitoring of the ethical culture and review and adjustment of the Fraud and Corruption Prevention Policy. These elements are considered throughout this Policy.

4. Key Signals and Risks

4.1 *Fraud and Corruption Signals*

There are a number of potential fraud and corruption signals which Councillors, staff and delegates of Council should be alert to, in identifying fraud and corrupt activities. These signals include:-

- Council Officials who use illogical excuses and reasons for unusual events or actions;
- Senior staff involved in routine processing work such as opening incoming mail correspondence, purchasing, ordering and receiving of goods, and who assume subordinates duties;
- Staff evidently living beyond their means, who have access to funds or control or influence over service providers;
- Excessive staff turnover;
- Staff who do not, or will not, take holidays for extended periods;
- Council Officials who get easily annoyed or defensive at reasonable questioning;
- Potential conflicts of interest not declared;
- Excessive number of duties or lack of independence in processing duties (e.g.; both processing and approving the same transaction);
- Lack of separation in decision-making and performance of duties;
- Undue secrecy, or excluding people from accessing available information;

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- Council Officials who treat controls, policies and procedures as challenges to overcome or be defied and consistent non compliance with directives, policy, and procedures;
- Failure to conduct adequate reference checks on staff prior to employment;
- Unauthorised changes to systems or work practices;
- Missing documentation or a lack of record keeping;
- 'Blind approval' where the person signing does not sight supporting documentation;
- Duplicates only of tax invoices;
- Signing and approving expenditure beyond their delegation of authority limitation;
- Alteration of documents such as file notes, manual or computerized records, vehicle and equipment log books and timesheets, without reasonable evidence or grounds for alteration;
- Council Officials who exhibit an inclination to cover up inefficiencies or errors;
- Frequent association with, and entertainment by, a member of a supplier's staff;
- Councillors directing or influencing, or attempting to direct or influence any member of staff or other Council Official in the exercise of their official functions; and
- Council Officials attempting to influence other Council Officials to approve Development Applications which do not meet Council codes or policy or refuse Development Applications which do meet Council codes or policies.

4.2 *Fraud and Corruption Risks*

Council has a number of fraud and corruption risks. Ongoing responsibility for these is with Senior Managers.

Identified fraud and corruption risks are to be considered when Council reviews risks to the organisation as a whole. Fraud and corruption risk areas for Council which require specific attention include the following:-

- (a) **Conflicts of Interest**: Conflicts of Interest exist when Council Officials could be influenced, or a reasonable person would perceive that they could be influenced, by a personal interest when carrying out their public duty. Councillors, senior management and Committee members are provided, on a monthly and/or quarterly basis, with a pecuniary and non-pecuniary interest disclosure form with the Council and/or Committee meeting business papers.
- (b) **Bribes, including Gifts or Benefits**: Council Officials must never demand or request any gift, benefit or bribe in connection with their Council work or duties or status with Council. Council has a Bribes, Gifts and Benefits Policy and this should be referred to for guidance.

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- (c) **Information Technology**: Council Officials are required to adhere to Council's information security requirements which protect the integrity of Council's information systems. The protection of confidential information is vital. Inappropriate use of Council's computer systems is not tolerated. Council has an Internet and Email Policy, iPad Policy, **Digital Information Security Policy**, Social Media Policy, and Records Management Policy and these policies should be referred to for guidance.
- (d) **Recruitment and Selection**: Independence, accountability and transparency in recruitment and selection processes is vital. By adhering to these principles, Council has the ability to attract and retain the right personnel to enhance its performance. Council has a Recruitment and Selection Policy and this should be referred to for guidance.
- (e) **Purchasing and Tendering**: Council regularly contracts for the purchase and supply of a wide range of goods and services. Objectivity and impartiality in the assessment of goods and services to be purchased is vital. Council has a responsibility to ensure that physical security of the goods is maintained. Council also has a Statement of Ethical Principles and a Purchasing and Acquisition of Goods and Services Policy. These should be referred to for guidance.
- (f) **Development Applications**: The Development Application and assessment process can be contentious and high risk in terms of corrupt activity, whereby potential applicants or objectors may want to unduly influence Council Officials in the course of their duties. Council has a DA (Development Application) Guide which documents the process for the assessment of development applications and this should be referred to for guidance.
- (g) **Cash Handling**: Theft of cash is one of the most basic frauds. Many areas of Council are involved in the handling of cash on a daily basis. All income is to be promptly entered into accounting records and immediately secured and all cheques immediately endorsed. Procedures for cash handling are to be strictly adhered to across Council and should be referred to for guidance. Council has a Cash Handling Policy and Internal Control Procedures Manual which should be referred to for the correct procedure.
- (h) **Delegations**: There are a number of provisions relating to delegations in the *Local Government Act 1993* and these must be followed. Delegations give staff the authority to make certain decisions, perform certain functions or undertake certain activities. Delegations must be formally documented, granted and retained on file. Delegated authority should not be exceeded by any person and each staff member is responsible for ensuring they are aware of the level of their delegated authority. Delegated authority should only be used in the course of undertaking Council business. You should refer to Council's Delegation of Authority Policy and register.

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- (i) **Time Recording:** Staff time is a valuable resource. All significant staff time is to be accounted for in the course of work. Council staff members are required to be accountable for, and accurately record their time whilst undertaking Council duties.
- (j) **Use of Council Resources:** Council resources are anything which is paid for, owned or controlled by the Council. It includes financial, material and human resources. Councillors and staff are expected to be efficient, economical and ethical in their use and management of Council resources. Council resources should only be used for Council purposes and in the public interest. Council's Code of Conduct should be referred to for guidance.
- (k) **Stock Control:** Council has a significant quantity of stock of both low and high value in dollar terms. Council management and staff should ensure adequate internal controls are enacted to reduce the potential for fraudulent activity associated with stock control. Purchasing and Acquisition of Goods and Services Policy and the Internal Control Procedures Manual should be referred to for guidance.
- (l) **Obtaining Personal Benefit by Provision of Additional Service:** Council provides a wide range of services to our community. In the provision of a service the situation may arise where a Council staff member is requested to provide additional services or carry out work further that is not programmed or authorised by Council. This can provide opportunity for a staff member to seek or receive a personal benefit or payment for the provision of the additional service.

Using Council staff time and Council resources to provide a staff member with a personal benefit deprives Council of that benefit or income. Council's Secondary Employment Policy requires that all Council staff declare any work or employment additional to the duties required by Council.

5. Reporting

Under the Code of Conduct there is an obligation for each council official to report any improper conduct, which includes suspected fraudulent or corrupt behavior or breaches of this Policy. An individual may report the matter either internally or externally as outlined below.

You should report your suspicions to only those people who absolutely need to know. This protects an individual from allegations that may not be proven and prevents the possible destruction of evidence.

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5.1 Internal Reporting

Councillors, staff and delegates of Council must report, as soon as possible, any suspected fraudulent or corrupt behavior, to:-

- Their Supervisor, Manager and/or Departmental Director; or
- Council's designated Complaints Coordinator; or
- General Manager; or
- Mayor.

Supervisors, Managers, and Departmental Directors have an obligation to immediately pass on the reports of suspected fraudulent or corrupt behavior or breaches of this Policy to the Complaints Coordinator or General Manager.

The only exception to this is where the General Manager is suspected of conduct relating to fraud and corruption, in which case the matter should be reported to the:-

- Mayor;
- Council's designated Complaints Coordinator;
- Independent Commission against Corruption (ICAC);
- Other relevant external agency.

5.2 External Agencies

Alternatively, matters relating to suspected fraudulent or corrupt activities can also be reported to the following external agencies:-

- The Independent Commission Against Corruption (ICAC) – Telephone 8281 5999 *(in the case of allegations of fraud or corruption)*.
- The Office of Local Government – Telephone 4428 4100 *(in the case of allegations relating to pecuniary interests)*.
- NSW Ombudsman – Telephone 9286 1000 *(conduct of Councillors, Council employees and conduct of the Council itself, specifically public interest disclosures)*.
- NSW Police – Telephone 9281 0000 *(in the case of allegations relating to fraud or criminal behaviour)*.
- NSW Electoral Commission – Telephone 9290 5999 *(in the case of allegations relating to election fraud)*.

6. Responsibilities

6.1 Responsibilities as an Organisation

As an organisation, Council will ensure that:-

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- Relevant risk exposures of significance to the Council are identified. The evaluation of risk and assessment of risk is a critical determinant in Council's approach to fraud prevention and detection;
- Relevant legal obligations are monitored to ensure that operating procedures and conditions meet these obligations;
- The Code of Conduct and associated policies are developed and publicised within the organisation;
- Appropriate fraud prevention and detection controls are incorporated when developing and maintaining computer and/or other systems;
- Employees are trained and understand relevant Council policies and the legislative requirements of protection for informants who make protected disclosures under the *Public Interest Disclosures Act 1994*;
- An environment exists in which fraud and corruption related activity is discouraged; and
- Investigation of allegations is to be undertaken, in the event of a report of fraud or corruption related activity, that they are notified to the NSW Police, the ICAC, the NSW Electoral Commission and/or the Office of Local Government for investigation and/or prosecution.

There are a number of specific responsibilities associated with the prevention of fraud and corruption related activity. These are set out below.

6.2 Councillors

Councillors have responsibility for directing and controlling the affairs of Council in accordance with the requirements of the *Local Government Act 1993*. Councillors have an obligation to report possible fraud and corruption related activities to the Mayor or General Manager. Councillors should also provide support to other Councillors, the General Manager and/or staff who may make such disclosures or manage such disclosures in the course of their duties.

Councillors must:-

- Be aware of and comply with the requirements of this Policy, Council's Code of Conduct, and all supporting procedures; and
- Report suspected fraudulent or corrupt behavior or breaches of this Policy to the Mayor, or General Manager or external agencies.

6.3 General Manager

The General Manager has the primary responsibilities for overseeing the day-to-day operations of Council, the proper management of Council resources, and the development and implementation of systems and practices to minimise the risk of fraud and corruption.

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In addition to the responsibilities of staff, Managers and Directors, the General Manager is responsible for:-

- Implementing fraud control throughout the organisation;
- Ensuring that, where required, matters reported under this Policy or breaches of Council's Code of Conduct, are properly investigated and outcomes of an investigation are reported to Council; and
- Reporting criminal offences to the NSW Police and actual or suspected corrupt conduct to the Independent Commission against Corruption (ICAC) under *Section 11, of the ICAC Act 1988*.

6.4 Directors and Managers

Departmental Directors and other senior management staff are required to carry out the duties and functions set out in the policies of Council as adopted by Council from time to time. Further, they support the General Manager by ensuring that the corporate systems, policies and procedures are accountable and implemented, managed, reviewed and reported on a regular basis.

In addition to the responsibilities of all staff, Managers, Directors and other senior management staff have an obligation to:-

- Ensure any matters of irregularity or suspected fraud or corruption reported to them are promptly forwarded to the General Manager or Complaints Coordinator and dealt with in accordance with this Policy;
- Ensure that there are adequate measures in place to prevent and detect fraud and corruption within their area of responsibility;
- Make staff aware of this Policy and the procedures required, including making them available for training sessions;
- Ensure staff understand their responsibilities through adequate supervision, position descriptions; written procedures and the like;
- Comply with legislative requirements and Council policies and procedures;
- Respond positively to matters raised and advice provided by the internal auditor; NSW Audit Office as external auditor; the Council Audit, Risk and Improvement Committee; and other external agencies;
- Proactively encourage staff to raise suspected fraudulent or corrupt behavior or breaches of the Policy and to ensure staff are supported; and
- Set an example by demonstrating principles of ethics, accountability and efficiency.

6.5 All Staff

Employees have a duty to ensure they adequately report any concerns they may have about the conduct of Council affairs including the use of Council assets and resources.

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All staff members are responsible for:-

- Being aware of this Policy;
- Ensuring that they operate in accordance with policy and legislative requirements to not participate in fraudulent or corrupt behavior;
- Reporting in accordance with this Policy any suspicion of fraudulent or corrupt behavior to the General Manager, Complaints Coordinator, and/or Departmental Director; and
- Reporting to their Manager and/or Supervisor, any deficiencies or suspected deficiencies with this Policy or deficiencies with any internal control procedures.

6.6 *Audit, Risk and Improvement Committee*

The Audit, Risk and Improvement Committee is an essential element of internal control within the Council. The Committee oversees the work of senior management and an internal auditor ensuring the independence of this role. The Committee has a role in identifying any areas that may be susceptible to fraud and corruption related activities for possible audit review.

The NSW Audit Office shall articulate audit requirements so that there is a reasonable expectation of detecting material misstatements in the Financial Statements resulting from fraud or corruption, or a breach of legislation.

6.7 *Members of the Public*

In accordance with the Statement of Business Ethics, Council requires all suppliers of goods and services, applicants, consultants, contactors, owners and applicants of development applications and anyone doing business with Council, to observe the following principles:-

- Act ethically and honestly in all dealings with Council;
- Declare actual or perceived conflicts of interests as soon as the conflict becomes apparent;
- Comply with Council's procurement and purchasing policies and procedures;
- Provide accurate and reliable information when required;
- Take all reasonable measures to prevent disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice including offering Councillors, staff and delegates' inducements or incentives designed to improperly influence the conduct of their duties; and
- Assist Council to prevent unethical practices in business relationships.

By making this document available publicly Council aims to demonstrate to the general community our commitment to addressing fraud. Further, there are some aspects of

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Council's Policy that do seek the involvement of people other than Councillors, staff and management. Council also invites members of the public, including our customers and service providers, to do the same. If you are not employed by Council, but you suspect fraud or corruption that involves Council in some way, please **report your suspicions** to any of the following:-

- The General Manager;
- The Office of the NSW Ombudsman – Telephone 9286 1000;
- The Independent Commission Against Corruption (ICAC) – Telephone 8281 5999 (in the case of allegations of fraud or corruption);
- The Office of Local Government – Telephone 4428 4100 (in the case of allegations relating to pecuniary interests);
- NSW Police – Telephone 9281 0000 (in the case of allegations relating to criminal activity);
- NSW Electoral Commission – Telephone 9290 5999 (in the case of allegations relating to election fraud).

7. Monitoring

Council's commitment to fraud and corruption control will be met by actively investigating allegations of fraud or corrupt activity in a timely manner. As appropriate Council will report fraudulent or corrupt activity to relevant authorities and/or initiate disciplinary action under the Code of Conduct.

The General Manager, assisted by Complaints Coordinator, Departmental Directors, Managers, and the Audit, Risk and Improvement Committee, will monitor fraud and corruption activities and identify and act on any trends that arise.

8. Protected Disclosures/Whistleblowers

Council is committed to supporting persons who report wrongdoing and who have done so voluntarily and in good faith through a protective disclosure. Council is committed to the aims and objectives of the *Public Interest Disclosures Act 1994*.

If any person reports suspected fraud or corrupt conduct thorough the appropriate channels, as set out above, they may seek protection from detrimental action under the *Public Interest Disclosures Act 1994*. This protection may apply whether the matter is reported internally or externally.

9. Conducting Investigations

9.1 Investigations

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On receipt of an allegation of suspected fraudulent or corrupt behavior, the General Manager will determine if an investigation should be undertaken as well as its nature and scope.

The General Manager shall delegate to the Council Complaints Coordinator responsibility to instigate an investigation or engage an, adequately qualified, independent person as the conduct reviewer. The investigation must be impartial, sensitive to the rights of individuals and ensure that the purpose of any investigation is to discover all relevant facts.

The investigation must follow procedures outlined in the Code of Conduct for local councils and associated procedures.

The Council Complaints Coordinator shall refer any code of conduct complaints to a conduct reviewer to conduct a preliminary assessment of the complaint prior to commencing an investigation except where the General Manager and Council Complaints Coordinator reasonably believe that a criminal offence has been committed. In this instance ICAC will be notified and the matter reported to the NSW Police. In such a case Council will only investigate sufficiently to form this view leaving further investigation to the Police.

9.2 Conduct Review Investigations

An allegation made against the General Manager of fraud is the responsibility of the Council's Mayor and Complaints Coordinator to undertake a preliminary assessment of the complaint. If required an investigation will be initiated and conducted by a supplier appointed from the Council Conduct Review Panel.

The conduct reviewers must have relevant qualifications and experience as outlined by the Office of Local Government.

Where a Conduct Review finds that a Councillor has breached the Code of Conduct, in terms of fraudulent activity, Council may take actions as outlined in the Code of Conduct for local councils.

9.3 External Notifications

The *Independent Commission against Corruption Act 1988* requires the General Manager to report suspected instances of corrupt conduct, including fraud, to the Independent Commission against Corruption (ICAC).

9.4 Advice to Supervisors or Managers

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Allegations of actual or suspected fraud or corrupt conduct can cause stress and disruption in the workplace. Information on investigations into allegations of this type should be on a strict 'need to know' basis.

Those who report suspicions should be encouraged to provide this information to only those people who absolutely need to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.

Who needs to know will vary from case to case. People in a work area may not know an investigation is occurring. Supervisor or Managers should not promote or tolerate idle gossip. Statements based on gossip rather than fact can impede an investigation.

10. Responsible Officer

The **Manager Legal, Records and Governance** is the officer responsible for the Fraud and Corruption Prevention Policy.

These responsibilities specifically include:-

- Ensuring Policy is current and in line with legislation and/or Council's other policies; and
- Providing a point of contact for anyone wanting information or advice about the meaning and application of this Policy.

11. Review Date

This policy will be reviewed every three (3) years. If legislative requirements alter, this Policy should be reviewed to accord with these requirements.

12. Record Keeping, Confidentiality and Privacy

Council will maintain effective record keeping systems to demonstrate due process has been followed for all actions and decisions arising out of the implementation of this Policy. All investigative documentation will comply with relevant legislative provisions, will remain strictly confidential and will be retained in accordance with the State Records Act 1998 in Council's electronic document management system.

13. Breaches and Sanctions

A breach of the Fraud and Corruption Prevention Policy amounts to a breach of Council's Code of Conduct for Councillors, staff and delegates and therefore invokes the sanctions as outlined by that Code.

Criminal action may be taken against any person found to be in breach of any legislation.

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14. Relevant Legislation and Council Policies

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government Amendment (Governance and Planning) Act 2016;
- Ombudsman Act 1974;
- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- Work Health and Safety Act 2011;
- Fair Work Act 2009;
- Independent Commission against Corruption Act (ICAC) 1988;
- Public Interest Disclosures Act 1994;
- Crimes Act 1900;
- Risk Management Standard ISO31000-2009;
- Australian Audit Standard AUS210 / ASA240;
- Australian Standard on Fraud and Corruption Control AS8001;
- Anti Discrimination Act 1977;
- Equal Employment Opportunity Act 1987;
- Industrial Relations Act 1996;
- State Records Act 1998;
- Local Government (State) Award 2020;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Code of Conduct for Councillors, staff and delegates of Council;
- Council's Code of Meeting Practice;
- Council's Code of Business Practice;
- Council's Internal Control Procedures Manual;
- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Payment of Expenses and Provision of Facilities Policy;
- Interaction between Councillors and Staff Policy;
- Public Interest Disclosures - Internal Reporting Policy;
- Government Information (Public Access) Policy;
- Internet and Email Policy;
- Social Media Policy;
- iPad Policy;
- Bribes, Gifts and Benefits Policy;
- Complaints Management Policy;
- Equal Employment Opportunity (EEO) Management Plan;
- Purchasing - Acquisition of Goods and Services Policy and Procedures;
- Delegations of Authority Policy and Procedure;

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- Recruitment and Selection Policy;
- Statement of Ethical Principles;
- Grievance Policy;
- Disciplinary Policy;
- Corporate Credit Card Policy;
- Secondary Employment Policy;
- Private Works (Projects and Plant Hire) Policy;
- Records Management Policy;
- Private Use of Council Motor Vehicles Policy;
- Cash Handling Policy;
- [‘Fact-Finder - A 20-step guide to conducting an inquiry in your organisation’](#) Independent Commission Against Corruption, November 2003; and
- “Managing an organisation through an ICAC Investigation: Practical advice for management’ Independent Commission against Corruption, August 2002”.

Variation

Council reserves the right to vary or revoke this policy.

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ITEM 13.4 **BANK OVERDRAFT POLICY REVIEW**
33/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Bank Overdraft Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Bank Overdraft Facility Policy
File Reference:	F10/618-08
Date Policy was adopted by Council initially:	17 September 2009
Resolution Number:	386/09
Other Review Dates:	16 August 2012, 19 March 2015 and 21 June 2018
Resolution Number:	278/12, 55/15 and 168/18
Current Policy adopted by Council:	18 March 2021
Resolution Number:	33/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVES

An overdraft facility is a flexible line of credit providing access to funds to manage the day to day cash flow needs of the Upper Lachlan Shire Council. The overdraft facility is designed for business with short-term working capital requirements, to fund operational needs to an agreed amount.

The Bank Overdraft Facility Policy outlines the following objectives:-

1. The accountability, transparency and observance of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, together with other related statutory requirements and standards; and
2. Clear, concise and defined line of credit with a set monetary amount available from a financial institution to meet unforeseen short-term liquidity needs.

POLICY STATEMENT

Upper Lachlan Shire Council has an established bank overdraft facility for a maximum pre-agreed limit of \$300,000 available from Council's banking institution, the Commonwealth Bank of Australia.

The Finance and Administration Department is responsible for the prudent financial management for assessing the need for a bank overdraft facility and setting of a monetary limit requirement for the Upper Lachlan Shire Council.

APPROPRIATE USAGE

The bank overdraft facility may be utilised during the course of the financial year only as a cash management tool to smooth out seasonal or temporary fluctuations in cash flows.

This facility is a form of borrowing that is a high cost alternative relative to other forms of funding. The bank overdraft facility shall be limited to minimal use under delegation by the **Council's** Director of Finance and Administration and **Chief Financial Officer**.

It is not appropriate for overdraft facilities to be used for medium or long term financing purposes (for example, to purchase assets) and is not to be used as an alternative to borrowing.

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RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Local Government (State) Award 2020;
- Independent Commission against Corruption Act 1988;
- Fair Work Act 2009;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Council's Code of Conduct;
- Council Internal Control and Procedures Manual;
- Council's instrument of delegations from the General Manager to Council staff;
- Council's Code of Business Practice;
- Council's Records Management Policy;
- Council's Government Information (Public Access) Policy;
- Council's Privacy and Personal Information Management Plan;
- Council's Complaints Management Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Purchasing and Acquisition of Goods Policy and Procedures;
- Council's Investment Policy;
- Council's Borrowings / Loans Policy; and
- Council's Corporate Credit Card Policy.

VARIATION

Council reserves the right to vary or revoke this policy.

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SECTION 14: GENERAL MANAGER

ITEM 14.1 COVID-19 REPORT

34/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 14.2 CROOKWELL DISTRICT HOSPITAL - UPGRADE UPDATE

35/21 **RESOLVED** by Cr Wheelwright and Cr Searl

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 14.3 REVIEW OF UPPER LACHLAN SHIRE COUNCIL WASTE POLICY RECOMMENDATION That -

1. Council adopts Upper Lachlan Shire Council Solid Waste Policy.

The itemed lapsed and will be deferred to a future Council meeting.

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ITEM 14.4 **REVIEW OF REBATE FOR UNDETECTED WATER LEAKS POLICY**
36/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council adopts the reviewed Rebate for Undetected Water Leaks Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Rebate for Undetected Water Leaks
File reference:	F13/77
Date Policy was adopted by Council initially:	18 July 2013
Resolution Number:	210/2013
Other Review Dates:	18 July 2013, 19 November 2015
Resolution Number:	210/2013, 331/15
Current Policy adopted by Council:	18 March 2021
Resolution Number:	36/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Coordinator Water Sewer & Waste
Committee/s (if any) consulted in the development of this policy::	Water, Sewer & Waste
Responsibility for implementation:	Manager Water Sewer & Waste
Responsibility for review of Policy:	Manager Water, Sewer & Waste

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Objective.

To provide consumers with an opportunity to claim a rebate where an undetected water leak has resulted in significant water consumption. A rebate will not be available where there is a minor leak which does not meet the minimum rebate amount.

Eligibility for rebate.

Frequency

A claim for a rebate due to the water leakage must be lodged within 30 days of the issue of the account.

A rebate is only available once every ten (10) years for each property with an individual metered connection. A property with multiple water assessments and serviced by a single bulk meter will be considered as a single property for rebate payment.

Water leaks that are considered detectable (i.e. wet areas in yards, meter continually running, and or water leakage that has been advised by Council) and not rapidly resolved by the property owner will not be eligible for the rebate.

Evidence of Repair

A copy of a plumbers invoice must be provided identifying the source of the leak and the corrective work undertaken. The invoice must be signed by a licensed plumber.

Calculation of Rebate.

Maximum and minimum rebate amounts

The maximum amount of any rebate granted will be \$400.00. Where the amount of the rebate is calculated to be less than \$150.00, this is not considered significant water consumption and no rebate will be granted.

Water leaks over more than one consumption period

A claim can only be lodged for one consumption period water bill. If an undetected water leak occurs over more than one reading period, a rebate will only be considered on one water bill.

Completion of the consumption period

An assessment of claim can only be undertaken after completion of the standard water consumption period (i.e. September – March, March – September) which applies to the claim. For example if a leak was repaired in July, the claim could only be assessed after the September readings had been completed.

Assessment based on previous consumption

Determination of the rebate shall be based on the average consumption over the same period (i.e. March to September) for the two previous years.

Rebate Calculation

Where an application is approved, Council will provide a rebate of 50% of the difference between the total billed amount and the average of the last two water bills for the same consumption period. The following formula will be used in calculating the rebate:

$$\text{\$ Rebate} = \frac{\text{\$Water Bill} - \text{\$Average Water Bill}}{2}$$

The maximum and minimum rebate amounts will apply and if a dispute arises regarding consideration of a rebate a final decision will be made by the General Manager.

Variation

Council reserves the right to vary the terms and conditions of this Policy to ensure it meets the requirements of the relevant legislation.

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SECTION 15: LATE REPORTS

Nil

COMMITTEES AND DELEGATES

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF FEBRUARY/MARCH

37/21 **RESOLVED** by Cr Searl and Cr Culhane

That Item 16.1 - Minutes of Committee/Information listed below be received:

1. Crookwell Potato Festival – Meeting Minutes – 18 January 2021
2. Crookwell Potato Festival – Meeting Minutes – 2 February 2021

38/21

RESOLVED by Cr Culhane and Cr Kensit that –

1. Council write to Crookwell Potato Festival accepting the resignation of Belinda Foley.

3. Gunning Shire Hall and Showground Advisory Committee - Minutes from meeting held 1 March 2021

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

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CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

***Note:** Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:*

39/21

RESOLVED by Cr Searl and Cr McCormack

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of sections 10A(2) , 10A (2c), 10A(2d(i), 10A(2d(ii) and 10A(2d(iii)) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:-

Nil

Council closed its meeting at 09:50am and the public, staff and press left the meeting.

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40/21 **RESOLVED** by Cr Searl and Cr Wheelwright

That Council move out of closed Council and into open Council.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

Open Council resumed at 09:53am

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 19: CONFIDENTIAL SESSION

**ITEM 19.1 RECOMMENDATION FOR WATER AND SEWER MAIN
INSTALLATION TENDER AWARDMENT**

41/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receives and notes the report as information.
2. Council approve the transfer of \$40,000.00 from reserves to complete the sewer main upgrade in Crookwell.
3. Council accepts the recommendation of Utilstra Engineering as the preferred supplier to execute this water and sewer main installation.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

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THE MEETING CLOSED AT 09:53am

Minutes confirmed 15 APRIL 2021

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Mayor